IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.2488 of 1999

Between:

1 P.Padmavathi , W/o. Gangadhara Sastry,
R/o. Plot No. 15 in R.S.No. 65/2, Patamata Vijayawada,

Krishna District.
2 Thumavarapur Rajyalakshmi, aged 42 years W/o. Sivaji,
R/o. Plot No. 14 in R.S.No. 65/2, Patamata Vijayawada,

Krishna District.
3 K.Santhakumari, aged 25 years W/o. V.Kumar,
R/o. Plot No. 13 in R.S.No. 65/2, Patamata Vijayawada,

Krishna District.
4 Naraboyina Leelavathi, @ N. Leeladevi, W/o. Lingamurthy,
R/o. Plot No. 23 in R.S.No. 65/2, Patamata Vijayawada,

Krishna District.
5 Pasupuleti Pankaja, W/o. Venkateswarlu,
R/o. Plot No. 24 in R.S.No. 65/2, Patamata Vijayawada,

Krishna District.
6 Peddaboyina Eswaramma, W/o. Basava Prasad,
R/o. Plot No. 5 in R.S.No. 65/2, Patamata Vijayawada, Krishna District.
7 Jampala Sivanarayana, S/o. Mallikarjuna Rao,
R/o. Plot No. 26 in R.S.No. 65/2, Patamata Vijayawada,

Krishna District.
8 Koneru baby Sarojini, W/o. Rama Mohan Rao,
R/o. Plot No. 22 in R.S.No. 65/2, Patamata Vijayawada,

Krishna District.
9 Aluri Yamini Poorna, W/o. Naga Siva rama Prasad,
R/o. Plot No. 21. in R.S.No. 65/2, Patamata Vijayawada,

Krishna District.

..... PETITIONERS

AND

1 District Collector,
Krishna District, at Machilipatnam.
2 Sub Collector,
Vijayawada, Krishna District.
3 Mandal Revenue Officer,
Vijayawada Urban, Vijayawada.
4 The Commissioner-Cum- Executive Officer,
Vijayawada Municipal Corporation, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, direction or order preferably in the nature of Mandamus declaring the action of the 4th respondent in issuing the threat of eviction of the petitioners in R.S.No. 65/2 from plot Nos. 15, 14, 13, 23, 24, 5, 26, 22 and 21 each one occupying an extent of 98 Sq. yards with their huts in patamata Village accounts, Vijayawada as illegal and being Violative of Arts. 14, 300-A and 21 of the constitution and being violative of principles of natural Justice and promissory estoppel and consequently direct the 4th respondent not to interfere with the possession of the petitioners plots and forbid them from dispossessing the petitioners.

Counsel for the Petitioner: MR.I.NAVEEN KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR MUNCIPAL ADMINISTRATION & URBAN DEVELOPMENT AND GP FOR REVENUE (ASSIGNMENT)

Counsel for the Respondent No.4: MR. T. VENKATARAMANA, STANDING COUNSEL FOR VIJAYAWADA MUNICIPAL CORPORATION

The Court made the following:

ORDER:

The nine petitioners are residents of Patamata in Vijayawada. It is their case that all of them were granted house site pattas bearing Plot Nos.5, 13, 14, 15, 21, 22, 23, 24 and 26 in R.S. No.65/2 after conducting due enquiry. They also allege that they were put in possession of their plots. However, the fourth respondent herein made attempts to evict them on 08.2.1999 and also remove the huts. Therefore, they filed this writ petition on 09.2.1999 praying for a Mandamus directing the fourth respondent not to interfere with the possession.

This Court admitted the writ petition and ordered notice. Subsequently, by a order dated 22.3.1999, this Court directed the District Collector, Krishna to make an enquiry and submit a report to this Court. The District Collector submitted a report admitting that the land in R.S. No.65/2 was assigned for various purposes and an extent of Ac.0.51 cents was assigned for the purpose of house site pattas, that none of the petitioners were in possession of land and that Vijayawada Municipal Corporation has erected a fence around the land admeasuring Ac.0.51 cents. The factum of assignment is not denied either in the counter affidavit filed by the Mandal Revenue Officer or in the report filed by the District Collector.

The writ petition was initially filed seeking a declaration that the action of Corporation in evicting the petitioners as illegal and for consequential injunction against the Corporation. Though the learned Counsel for the petitioners strenuously contends that the petitioners are still in possession of the plots, having regard to the fact finding report of the District Collector against which no objections are placed before this Court, it is reasonable to infer that the petitioners were not in possession of the plots. However, the learned Standing Counsel for Corporation has not placed any documents before this Court to show that this land admeasuring Ac.0.51 cents in R.S. No.65/2 was assigned to the Corporation. Therefore, it is for the District

Collector to look into the matter in the light of the report dated 10.4.1999 submitted to this Court and pass appropriate orders. It shall also be open to the District Collector to consider allotment of any other alternative site to the petitioners if they continued to be eligible for such assignment. The petitioners are given liberty to approach the District Collector with a copy of this order and place necessary material. There shall be *status quo* as on today and the Corporation shall not change or alter the land use.

The writ petition with the above observations is disposed of.

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October 4, 2004. **V.V.S. RAO, J**

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To

1 The District Collector,
Krishna District at Machilipatnam.
2 The Sub Collector,
Vijayawada, Krishna District.
3 The Mandal Revenue Officer,
Vijayawada Urban, Vijayawada.
4 The Commissioner-Cum- Executive Officer,
Vijayawada Municipal Corporation, Vijayawada.

5 Two CCs to the Government Pleader for Municipal Administration

and Urban Development, High Court Buildings, Hyderabad (OUT)

6 Two CCs to the Government Pleader for Revenue (Assignment),

High Court Buildings, Hyderabad (OUT)

7 Two CD copies.